

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC ANDERSON, KELLY NELSON, and
JULIETTE MORIZUR on their own behalf
and on behalf of a class of others similarly
situated,

Plaintiffs,

v.

SEAWORLD PARKS AND
ENTERTAINMENT, INC.,
Defendant.

Case Number: 4:15-cv-02172-JSW

**JOINT STIPULATION TO ADJUST
CLASS CERTIFICATION AND
DISCOVERY SCHEDULE AND
PROPOSED ORDER**

Plaintiffs Marc Anderson, Kelly Nelson and Juliette Morizur (collectively “Plaintiffs”) and Defendant SeaWorld Parks and Entertainment, Inc. (“SeaWorld” or “Defendant”) (collectively, the “parties”) respectfully submit this joint stipulation to adjust the class certification briefing deadlines, hearing date for Plaintiffs’ motion for class certification, and discovery deadlines in this action.

WHEREAS, at the February 10, 2017 Initial Case Management Conference, this Court set a briefing schedule for Plaintiffs’ motion for class certification and initial discovery deadlines (*see* Dkt. No. 107);

WHEREAS, the parties have previously filed joint stipulations on five occasions to extend and/or adjust the time for SeaWorld to respond to pleadings and the briefing schedules for SeaWorld’s motions to dismiss, each of which was entered by the Court (*see* Dkt. Nos. 86, 95, 101, 110, 133);

WHEREAS, on September 18, 2017, in light of the parties’ joint stipulation, the Court adjusted the class certification and discovery schedule (*see* Dkt. 133). As per this schedule,

1 Plaintiffs' motion for class certification is due March 23, 2018 and fact discovery is scheduled to
2 close on June 22, 2018.

3 WHEREAS, the parties had tentatively scheduled a first set of depositions of SeaWorld
4 employees for the last week of January 2018, with additional depositions to follow. However, on
5 January 10, 2018, the Department of Justice moved to intervene in the case and sought a stay on
6 all depositions until April 2, 2018 due to an ongoing criminal investigation of SeaWorld. *See*
7 Dkt. 165.

9 WHEREAS, the parties did not oppose the limited stay on discovery on the
10 understanding that the case schedule could be appropriately adjusted, and the Court granted such
11 stay. *See* Dkt. 175.

13 WHEREAS, the parties continue to diligently participate in written discovery and
14 produce relevant documents. However, in light of the stay on depositions, the parties will be
15 unable to meet the current deadlines set in this case.

16 NOW, THEREFORE, THE PARTIES BY COUNSEL HEREBY REQUEST that the
17 Court direct the class certification and discovery schedule in this action be adjusted as follows:
18

- 19 • June 1, 2018: Deadline for Plaintiffs to file motion for class certification.
- 20 • June 29, 2018: Deadline for SeaWorld to file opposition to motion for class
21 certification.
- 22 • July 20, 2018: Deadline for Plaintiffs to file reply in support of motion for class
23 certification.
- 24 • August 17, 2018 (or another date convenient for the Court): Hearing on motion for
25 class certification.
- 26 • August 31, 2018: Close of fact discovery.
- 27
- 28

- September 7, 2018: (or another date convenient for the Court): Further Case Management Conference.

IT IS SO STIPULATED, through Counsel of Record.

DATED: February 8, 2018

COVINGTON & BURLING LLP

By: /s/ Udit Sood

Udit Sood

Attorneys for Plaintiffs Marc Anderson, Kelly Nelson, and Juliette Morizur

DATED: February 8, 2018

KINSELLA WEITZMAN ISER KUMP &
ALDISERT LLP

By: /s/ Lawrence Y. Iser

Lawrence Y. Iser

*Attorneys for Defendant
SeaWorld Parks & Entertainment, Inc.*

CERTIFICATION

Pursuant to Civil L.R. 5-1(i)(3), the undersigned hereby attests that Lawrence Y. Iser has concurred in the filing of this document.

DATED: February 8, 2018

COVINGTON & BURLING LLP

By: /s/ Udit Sood

Udit Sood

Attorneys for Plaintiffs Marc Anderson, Kelly Nelson, and Juliette Morizur

[PROPOSED] ORDER

Pursuant to stipulation, and good cause having been shown, **IT IS SO ORDERED.**

Dated: _____

HON. JEFFREY S. WHITE

UNITED STATES DISTRICT JUDGE